

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CONTESTA NOVATO INVESTORS, LLC,

Plaintiff,

v.

STACY YOUNG,

Defendant.

Case No. 14-cv-03689-JCS

**ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE REMANDED TO
STATE COURT**

On August 14, 2014, Defendant Stacy Young removed this action from the Superior Court of California, County of Marin. Defendant failed to attach a copy of the complaint to the Notice of Removal but filed a declaration stating that she expected to receive a copy of the complaint from the Superior Court later that day and would file the complaint in this Court when she received it. The complaint has not been filed. From the Notice of Removal, it appears that the state court action is for unlawful detainer and that Defendant asserts federal jurisdiction on the basis of defenses that she intends to assert under federal law.

IT IS HEREBY ORDERED that Defendant appear on **September 19, 2014, at 2:00 p.m.**, in Courtroom G, 450 Golden Gate Ave., 15th Floor, San Francisco, CA, and show cause why this case should not be remanded to the Superior Court of California, County of Marin for lack of federal jurisdiction. Plaintiff may file a response, not to exceed five (5) pages no later than **September 12, 2014**. In her response, Defendant should address: 1) why the action should not be remanded on the basis of her failure to file a copy of the complaint in this Court; and 2) why federal subject matter exists on the basis of Defendant's federal defenses in light of the rule that "the presence or absence of federal-question jurisdiction is governed by the 'well-pleaded complaint rule,' which provides that

1 federal jurisdiction exists only when a federal question is presented on the face of the plaintiff's
2 properly pleaded complaint.” *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392 (1987).

3 **IT IS SO ORDERED.**

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5 Dated: September 2, 2014

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8 JOSEPH C. SPERO
United States Magistrate Judge

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United States District Court
Northern District of California